

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

STATE OF MISSISSIPPI, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity
as Secretary of Health and Human Services,
et al.,

Defendants.

Civil Action No. 1:22-cv-00113-HSO-RPM

**CONSENT MOTION FOR FURTHER EXTENSION OF TIME FOR DEFENDANTS TO
FILE REBUTTAL IN FURTHER SUPPORT OF THEIR CROSS-MOTION
FOR SUMMARY JUDGMENT**

Defendants respectfully request that their deadline for filing their rebuttal in further support of their Cross-Motion for Summary Judgment (ECF No. 90) be further extended from October 5, 2023, to October 19, 2023. The reasons for this motion are set forth further below.

1. Defendants filed their Cross-Motion for Summary Judgment on July 28, 2023. Plaintiffs filed their Opposition to this Motion on September 5, 2023 (ECF No. 108). Pursuant to Defendants' prior consent motions for extension of time (ECF No. 110 & 111), Defendants' rebuttal is currently due on or before October 5, 2023. *See* Order (Sept. 21, 2023).

2. Undersigned counsel, Carol Federighi, was unexpectedly out of the office on September 25 and 26, 2023. Further, in addition to her other anticipated work assignments, on September 22, 2023, she was served with a motion for a temporary restraining order in *Alpha Services, LLC v. Looman*, No. 2:23-cv-02988-NJB-DPC (E.D. La.) (since converted to a motion for a preliminary injunction), which is set for a hearing on October 18, 2023, with the government's opposition memorandum due on October 10, 2023, and on September 27, 2023,

she was served with a court order requiring a response by October 5, 2023, in *Boundaoui v. FBI*, No. 1:17-cv-04782 (N.D. Ill.). Undersigned counsel, Brian Rosen-Shaud, was unexpectedly out of the office to address a family medical situation. As a result, Defendants need additional time to prepare and finalize their rebuttal.

4. Undersigned counsel conferred on October 2, 2023, via email with counsel for Plaintiffs, C'Zar Bernstein, who stated that Plaintiffs do not oppose this extension.

For all these reasons, Defendants respectfully ask the Court to further extend their deadline for filing their rebuttal in further support of their Cross-Motion for Summary Judgment from October 5, 2023, to October 19, 2023.

Dated: October 2, 2023

Respectfully submitted,

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/s/ Carol Federighi
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